#### What is claimed is:

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- 1. A variable optical element comprising:
  - a first liquid member;
  - a second liquid member which is unsoluble in the first liquid member;
  - a container which contains the first liquid member and the second liquid member;
- an index for positioning the variable optical element according to a predetermined reference,

wherein an interfacial shape between the first liquid and the second liquid surface varies according to a voltage which is applied to the liquid members; and

the index is disposed such that a wave front aberration in the variable optical element should be minimum or fewer than a predetermined value under condition that the variable optical element is positioned according to the predetermined reference.

- 2. A variable optical element according to Claim 1 wherein:
- the predetermined reference is disposed horizontally; and
  an optical axis of the variable optical element is disposed so as to be parallel with
  the horizontal direction of the predetermined reference.
  - 3. A variable optical element according to Claim 1 wherein:
- the variable optical element and the optical element.
  - 4. A variable optical element according to Claim 1 further comprising a frame member for supporting the container wherein the index is disposed on the frame member.

- 5. A variable optical element according to Claim 4 wherein shape of the frame member for supporting the container is rotationally asymmetrical around the optical axis.
- 6. A variable optical element according to Claim 1 wherein the variable optical element is positioned according to the wave front aberration by measuring the surface of a transmitted wave.
  - 7. A variable optical element according to Claim 1 wherein a refractive index in the first liquid is different from a refractive index in the second liquid member.

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- 8. An optical unit comprising:
  - a variable optical element of Claim 1; and

at least an optical element,

wherein the index is disposed such that a wave front aberration in the variable optical element should be minimum or fewer than a predetermined value under condition that the variable optical element is positioned according to the predetermined reference.

9. An optical unit according to Claim 8 wherein:

the predetermined reference is disposed horizontally; and

- an optical axis of the variable optical element is disposed so as to be parallel with the horizontal direction of the predetermined reference.
  - 10. An optical unit according to Claim 9 having an optical system which comprises: a variable optical element of which optical characteristics varies according to

an interfacial shape between the first liquid and the second liquid according to a voltage which is applied to the liquid members; and

at least a second optical element, wherein,

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the variable optical element and the second optical element can make a relative rotation around the optical axis,

the index is formed by a fist index which is disposed on the variable optical element and a second index which is disposed on the second optical element, and

the first index and the second index indicate a relative angle position made by the variable optical element around the optical axis which is used horizontally and the optical axis.

- 11. An optical unit according to Claim 8 wherein the second optical element is a reflecting member.
- 15 12. An optical unit according to Claim 11 wherein the variable optical element is disposed so as to be near the optical axis which is returned by the reflecting member.
  - 13. An optical unit according to Claim 12 wherein a central axis of the variable optical element is disposed so as to be approximately vertically parallel.
  - 14. An optical unit according to Claim 11 wherein the reflecting member is a mirror.
  - 15. An optical unit according to Claim 11 wherein the reflecting member is a prism.

16. An optical unit comprising:

a variable optical element of Claim 1; and

at least a second optical element, and

two frame members for supporting the variable optical element and the second

5 optical element, wherein

the indices are disposed in the frame members respectively.

17. An optical unit comprising:

a variable optical element of Claim 1; and

- an optical system which is provided with a first group having a negative refracting force and a second group having a positive refracting force.
  - 18. An optical unit according to Claim 17 wherein the optical system is disposed nearer the variable optical element than an object to be observed.

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- 19. An image capturing device comprising:
  - a variable optical element of Claim 1, or an optical unit of Claim 8; and an image capturing element.
- 20 20. An image capturing device according to Claim 19 further comprising:
  - a driving unit for driving the variable optical element; and
  - a power supply unit for supplying an electricity to the image capturing element and the driving unit.

### 21. A mobile phone comprising:

a variable optical element of Claim 1;

a displaying section;

an inputting button section;

a voice inputting-outputting section; and

an antenna.

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# 22. A digital camera comprising:

a variable optical element of Claim 1:

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an operating section.

## 23. An endoscope device comprising:

a variable optical element of Claim 1:

a light source;

a signal processing circuit; and

a power supply section.

## 24. Mobile terminal comprising:

a variable optical element of Claim 1:

a displaying section; and

a key board.